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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,294	02/21/2002	Kimmo Alanen	460-010837-US(PAR)	9809
2512	7590	04/20/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			ISSING, GREGORY C	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/081,294

**Applicant(s)**

ALANEN ET AL. ✓

**Examiner**

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bloebaum et al (6,433,735).

Bloebaum et al disclose a method and system for positioning of a wireless communication device (mobile 110, shown in greater detail in Figure 2) comprising storing position data of a plurality of reference points (cellular base stations 103-105) in at least one database (database 210a, shown in greater detail in Figures 3 and 4), identifying which of the reference points (cellular base stations) are in the vicinity of the mobile communication device via reception of cell ID information (cell global identity) that is transmitted by respective cellular base stations (see steps 502-503 or 602 of Figs. 5 or 6 respectively), transmitting at least position data (see steps 506-507 or 605-606 of Figs. 5 or 6 respectively) and determining the location of the mobile device based on the data comprising the geographic position associated with the current cell ID number (see claims 1, 13, 24, and 47, for example).

Applicants argue that Bloebaum et al fail to disclose or suggest selecting transmitted position data about a reference point as the default position of the wireless device as recited in each of claims 1, 11, and 21; applicants allege that Bloebaum et al use the cell position only as aiding data for a more accurate position. This argument is not persuasive. Bloebaum et al is numerous in its use of the database position as an approximated position of the mobile terminal, see col. 1, lines 27-35, 52-61, col. 3, lines 61-62, col. 8, lines 39-47, col. 9, lines 24-29, col. 10, lines 11-16, col. 11, lines 6-13, and col. 11, line 44 - col. 12, line 7. In addition, even if the cell ID position information is used as aiding data, it still meets the scope of a "default position"

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a more accurate position. Someone wanting position information is always desirous of the most accurate position, however, due to various circumstances, such as unavailability of satellites, must do with whatever position is currently available. Moreover, the further use of the cell position is identical to the instantly disclosed operations, see pages 12-13, of the application, wherein the terminology "default location" is also used therein. That Bloebaum et al may go a step further by additionally using the approximate position to obtain a more accurate position does not detract from the fact that all of the claimed steps and elements are disclosed. Moreover, in the case of use of GPS in an urban environment or inside a building, should the positioning receiver be unable to receive a sufficient number of satellites, the approximate position remains a viable position estimation. Thus, the applicants' argument is not convincing. The numerous uses of the mobile device are set out in col. 2, lines 25-35, while the numerous communication links are detailed in col. 2, lines 36-56.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

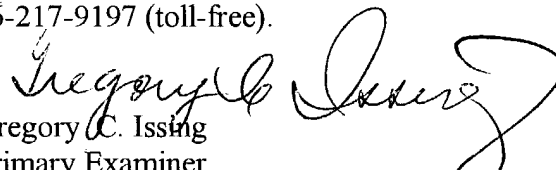
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci  
4/13/04